

REMARKS

This is in response to Official Action of December 31, 2008.

The time and courtesy extended by Examiner Bertoglio to Mr. Sibley during their telephone conference of March 31, 2009, is acknowledged with appreciation. As discussed, this amendment endeavors to follow language suggested in the December 31, 2008 official action. In addition, and as further discussed below, this amendment adds a product claim back to this case as new claim 71. If the pending method claims are found allowable but new claim 71 is deemed to raise new issues, the Examiner is authorized to cancel claim 71 by Examiner's amendment so that the method claims can pass to allowance.

The points raised in the official action are addressed below.

Claim 57 stands objected to, it being suggested that the claim should be amended to read "providing a transgenic mouse *made by the method of* claim 48." This amendment has been made above, and it is respectfully submitted that this rejection should be withdrawn.

Claims 48, 51-52, 57, and 61-63 stand rejected as lacking enablement under the first paragraph of 35 USC 112, it being noted that (i) a *minimal promoter* should be recited, and (ii) the step of *mating a chimeric offspring to obtain a transgenic mouse whose genome comprises and expresses the nucleic acid* should also be recited. The claims have been so amended above, and it is respectfully submitted that this rejection should be withdrawn.

New claim 71, directed to a transgenic mouse *per se*, is added to complete the record. Mice were within the scope of the group elected in response to the restriction requirement (*e.g.*, originally presented claim 53). These claims were cancelled to simplify the issues in applicant's last response, but no art rejections were applied against the claims to transgenic mice, and it is now respectfully submitted that a transgenic mouse claim of parallel scope to method of making claim 48 should be considered. Hence new claim 71 restores such a claim, closely tracking the present language of claim 48.

It is respectfully submitted that this application is in condition for allowance, which action is respectfully requested. If any issues remain, the Examiner is requested to contact applicant's undersigned representative so that they may be resolved by phone.

Respectfully submitted

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